

MARVIN EUGENE LONG,)
)
 Plaintiff,)
)
 v.) **Civil Action No. 3:23-CV-00731-LCB**
)
 CITY OF SHEFFIELD, ALABAMA,)
 COUNTY OF COLBERT, ALABAMA,)
 MAX DOTSON, in his individual)
 capacity; DANIEL CREWS, in his)
 individual capacity; TOMMY MILLS,)
 in his individual capacity; BRADLEY)
 SKIPWORTH, in his individual)
 capacity, TIM VANDERFORD, in his)
 Individual capacity; CURTIS BURNS,)
 in his individual capacity, BRETT)
 EVANS, in his individual capacity;)
 CHIEF RICKY TERRY, in his official)
 capacity; SHERIFF ERIC)
 BALENTINE, in his official capacity,)
 TYLER EVANS, in his individual)
 capacity; JONATHAN HARKINS, in)
 his individual capacity; SHEFFIELD)
 POLICE DEPT, COLBERT COUNTY)
 SHERIFF’S OFFICE, and MAYOR)
 STEVE STANLEY, in his official)
 capacity.)
)
 Defendants.)

COMES NOW Defendant Sheriff Eric Balentine and moves this Court to dismiss the Complaint against him pursuant to Federal Rules of Civil Procedure

12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure. Defendant has also filed with this Motion a corresponding Memorandum Brief. Defendant moves this Court for dismissal of the claims against him contained in the Complaint based upon the following:

1. Sheriff Eric Balentine is entitled to state absolute immunity as to the state law claims.
2. Sheriff Eric Balentine is entitled to Qualified Immunity as to all federal individual capacity claim.
3. Plaintiff's *Monell* liability claim is inapplicable to Sheriff Balentine.
4. Sheriff Eric Balentine is not liable for any claims because he was not the Sheriff of Colbert County at the time of the incident. As a result, Plaintiff fails to state a plausible claim.

Respectfully submitted this 26th day of June, 2023.

s/J. Randall McNeill

J. RANDALL MCNEILL (ASB-4841-E29J)
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CERTIFICATE OF SERVICE

I hereby certify that on this the 26th day of June 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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s/J. Randall McNeill
OF COUNSEL